

Notice of Allowability

Application No.

10/022,889

Examiner

Jasmine Song

Applicant(s)

JEONG, JAE YOON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 04/29/2005.
2. ☒ The allowed claim(s) is/are 3,5-7,9 and 11, now renumbered as 1-6 respectively.
3. ☒ The drawings filed on 09 March 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Election/Restrictions

1. Newly submitted claims 21-37 and amended claims 12-16,18-20 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions Group I (claims 3,5-7,9 and 11) and Group II (12-16,18-37) are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the invention in Group I and II has separate utility because the invention of group I provide an apparatus or a method for moving contents comprising the steps of analyzing a copy control code of the contents and storing the contents by converting the copy control code of the contents according to the result of analysis (see the newly filed drawing Fig.6 filed on 03/09/2005); the invention of group II has separate utility which provide a method for moving contents comprising the steps of reading a set value of a moving determination code and judging whether the contents can be moved according to the set value of the moving determination (these limitations can not be find in the newly filed drawing Fig.6 filed on 03/09/2005, the applicant only mentioned the moving determination bit in Fig.7), See MPEP § 806.05(d). In addition, in the applicant's remarks filed on 08/12/2004, page 17-18, the applicant admitted that the copy control code is not equivalent to the moving determination (also see Fig.7), therefore, the invention group I and group II have separate utility.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and

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recognized divergent subject matter, and because the divergent searches required for the different groups, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-37 and 12-16,18-20 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application is in condition for allowance except for the presence of claims 21-37 and 12-16,18-20 non-elected without traverse. Accordingly, claims 21-37 and 12-16,18-20 have been cancelled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 21-37 and 12-16,18-20 have been cancelled.

Allowable Subject Matter

4. Claims 3, 5-7,9 and 11 are allowed.

The following is an examiner's statement of reasons for allowance: this application is allowed for the reasons of record put forth by applicant in the remarks dated on 08/12/2004, and the subject matter not found in the prior art includes the step of analyzing a copy control code of the contents when a user selects moving of the contents from a first storage medium to a second storage medium and storing the contents in the second storage medium by converting the copy control code of the content to one if the copy control code is determined to indicate no copies according to the result of analysis as claimed in independent claims 3 and 7.

Claims 5-6 and 9,11 are respectively allowable as dependent on independent claims 3 and 7 above and incorporated additional allowable features therein.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine Song whose telephone number is 571-272-4213. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone

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numbers for the organization where this application or proceeding is assigned are 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Jasmine Song



Patent Examiner

June 9, 2005

FOR

Mano Padmanabhan

Supervisory Patent Examiner

Technology Center 2100

**GARY PORTKA
PRIMARY EXAMINER**

